

MEMORANDUM

## THE WHITE HOUSE

WASHINGTON

April 16, 1974

DOS REVIEWED 16 MAR 2011 NO OBJECTION TO DECLASSIFICATION

MEMORANDUM FOR: LEONARD GARMENT  
FROM: BRENT SCOWCROFT *DS*  
SUBJECT: Option Paper -- Women in the  
Military Academies

I would think that a prudent position for the President on this issue would be to put the matter back into the hands of the Congress. This could be done by stating that the President interprets the intent of Congress in the applicable legislation to be for attendance at the Service Academies by males only. Were Congress to pass authorizing legislation to permit attendance by women and appropriate the necessary funds for modification of the physical plant to accommodate them, the President would have no objection.

In addition to this overall recommendation, specific comments on the option paper are as follows:

-- Page 5, Con 3, Option 1. This paragraph states that "Officers commissioned through the ROTC and SMSO programs are demonstrably less likely to have successful careers in the services than graduates of Service Academies." If this point is based on statistical evidence, it is a fundamentally serious problem which should be dealt with directly, the issue of women totally aside. It is not a matter which should be used as an argument with respect to women at the academies.

-- Although Con 2, page 7, and the ensuing discussion note possible problems on the Hill, there is no recommendation or even suggestion that the President himself undertake a discussion of whatever course he wishes to follow with Senator Stennis and Representative Hebert. It would be useful to include such a recommendation. This would cater to Congressional interests and prerogatives and demonstrate the President's willingness to consult.

OSD REVIEWED 15-Mar-2011: NO OBJECTION TO DECLASSIFICATION

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-- The draft does not address costs associated with having women attend the academies. Some identification and analysis of cost implications would benefit the decision-making process.

-- The "Concluding Remarks" section does not indicate that Defense objects to having women attend the academies. To insure complete perspective, the Defense viewpoint should be included in this section.

## THE WHITE HOUSE

WASHINGTON

April 12, 1974

MEMORANDUM FOR: GENERAL HAIG  
GENERAL SCOWCROFT ✓  
DEAN BURCH  
KEN COLE  
ROY ASH  
BILL TIMMONS  
FRED BUZHARDT

SUBJECT: Option Paper - Women in the  
Military Academies

Anne Armstrong and I are planning to send the attached paper to the President with a recommendation in favor of Option 2. The draft has been checked at Defense for accuracy.

I solicit your own views on the options, which can be put into the concluding paragraphs of the paper.

I need your response by c.o.b. April 15th.

  
LEONARD GARMENT

Attachment

DRAFT  
L. GARMENT  
April 12, 1974

MEMORANDUM FOR: THE PRESIDENT  
  
FROM: ANNE ARMSTRONG  
LEONARD GARMENT  
  
SUBJECT: OPTION PAPER - WOMEN IN THE  
MILITARY ACADEMIES

Question:

Should the Departments of the Army, Navy and Air Force be instructed to drop their current ban on considering appointments of women to the three military service academies?

Factual Background:

Under the law, you (actually the Service Secretaries acting as your alter egos) appoint the members of the entering classes at the three military academies, after reviewing the qualifications of nominee candidates from Senators, Congressmen and others, and after those candidates are given physical examinations by the three Departments.

For the classes entering this summer, two of the primary nominees and thirty-four of the alternate nominees are women, all nominated by members of Congress.

The three Departments have notified the members of Congress that their female candidates cannot be given consideration;

their applications will not be processed nor will the physical tests be given to them.

Three of the Congressmen (Waldie, Stark and Edwards) have filed suit in the District Court for the District of Columbia asking for a permanent injunction to process their female Air Force and Navy applications; (the Army nominees are not the subject of suits at this time.)

As a tactic in court, to avoid argument last week on both the merits and on a request for a preliminary injunction, we agreed to hold open five slots in this summer's classes for the Navy and Air Force academies, in case we lose the suit.

By April 22, however, we must file the Government's brief on the merits, and either oppose or accede to the permanent injunction.

Although there is debate about whether a statute is actually needed, the Senate (by voice vote) has passed a Hathaway-Thurmond-Javits-Mansfield amendment (to a reenlistment bonus bill) authorizing female appointments to the service academies. The House has not approved such an amendment and since neither House has held hearings on the matter, the amendment has been dropped in conference. Chairman Hebert is waiting for our report on a specific <sup>authorizing</sup> bill (H.R. 9832).

With guidance from Deputy Secretary Clements, Defense is preparing a court brief to be filed by the Department of Justice in opposition to the plaintiffs, and has submitted to OMB a negative report on the proposed bill.

As of December 1973, there were 63,895 women in uniform in the Armed Services, of whom 12,903 are officers. There are now twenty women in the various mid-career Defense colleges.

OPTION 1 - Keep the Ban on Women Nominees to the Service Academies

Pro

1. The unique purpose of the Service Academies is to train future officers for combat. As a matter of policy, women are not allowed in combat roles in the Army; there is a statute prohibiting women from serving in Navy combat aircraft or on other than hospital and transport ships; a statute prohibits women from serving in Air Force planes on combat missions, (but there are broad exceptions to the Air Force provision).
2. All three Services have a critical need for officers trained for combat; billets at the academies for female officers who cannot fully serve in combat will therefore lessen the number of men who would be so trained and this will hurt the Services' combat capabilities and would be a misdirection of the Academies' funds.
3. There are alternate ways for training women officers; ROTC and the School of Military Science for Officers (SMSO). These programs now produce all of the female officers needed by the Armed Services.

4. Admitting women as cadets allegedly could have a deleterious effect on the military tradition of physically rigorous training without exception, of austerity, straight-laced professionalism and discipline--so much so that the Academies' effectiveness would be seriously diminished.

Con

1. Graduates of the Academies actually move into a variety of military roles, many of them non-combat roles. Of all the Air Force Academy graduates between 1964 and 1973, for instance, less than 40% have participated in the kind of combat duty strictly proscribed to women. Of the 24 career areas open to Air Force Academy graduates, only 2 are closed to women. This does not justify closing 100% of the Academy openings to women. At present, the Air Force Academy even accepts some men who will never qualify for combat.
2. There are broad exceptions in at least the Air Force statute about women in combat. During 1966-1973, 1170 female Air Force officers were assigned to duty in Southeast Asia, most of them in support roles, some of them in aircraft under combat conditions.

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3. Officers commissioned through the ROTC and SMSO programs are demonstrably less likely to have successful careers in the services than graduates of the Service Academies. Promotion and pay, attendance at graduate schools for advanced degrees, the exercise of executive and command responsibilities, are all more likely to be conferred on Academy graduates than on graduates of ROTC or SMSO. Currently, in the Air Force, no ROTC or SMSO graduates (and thus no women) receive regular commissions at all upon graduation; they receive only reserve commissions; the regular commissions are given only to A.F. Academy graduates. Thus, by being denied admittance to Academies, women are being denied equal opportunity for successful military careers.

4. Admitting women to the Service Academies will be an important part of our campaign to do everything we can to encourage volunteering. Keeping this kind of a ban on qualified women will impede recruiting generally and diminish your ability to succeed in getting all-voluntary armed services.

#### OPTION 2 - Drop the Ban on Women in the Service Academies

##### Pro

1. In your 1974 State of the Union Message you said:

"Both men and women have become increasingly aware of the pattern of sometimes blatant but often subtle discrimination



to which women are subjected. Some of this discrimination can be erased by existing law; some requires new law; some would be rectified by the Equal Rights Amendment, now nearing ratification by the required three-fourths of the States. It is my hope that the Equal Rights Amendment will be ratified speedily so that equal justice under our laws will become a reality for every American.

"One of the primary goals of this Administration is to ensure full employment opportunity for women by striving to open to women jobs that previously were reserved for men, often simply by habit or custom."

Keeping the ban on women in the Academies is arguably not consistent with that statement.

2. You have long supported the Equal Rights Amendment which is now at a critical stage in the ratification process. Since one of the consequences of the Amendment, if ratified, will probably be the removal of this ban, your keeping the ban is not consistent with maintaining support for the ERA.

3. Trying to keep the ban will mean uphill arguments in the Courts. In a Supreme Court decision, four members of the majority declared "classifications based upon sex...are inherently suspect and must therefore be subjected to strict judicial scrutiny." In view of the wide use of both men and women in non-combat roles in the Armed Forces, it will be difficult to show a "compelling governmental interest" in justifying such an "inherently suspect" classification as sex when applied to academy entrants.

4. All the last three Defense Secretaries have stated: "One of our key human goals is to make military and civilian service in the Department of Defense a model of equal opportunity for all, regardless of race, sex, creed or national origin..."

Opening the Service Academies to women would be a symbolic as well as a substantive step toward achieving this goal.

#### Con

1. Promotion policies are claimed to be objective now, and some ROTC and SMSO graduates can also rise to high military responsibilities, as witness the five women who now hold General or Flag Rank in the three Services, and many others.

2. Chairman Hebert feels strongly that you do not have the authority to appoint women to the Academies and that you must come and seek legislative sanction to do so. (This is apparently an uncertain point; former Assistant Secretary of Defense Roger Kelly has concluded that you do have such authority).

#### CONCLUDING COMMENTS

We should note that legislative opinion on this matter is not polarized along either Party or ideological lines; Hebert is opposed to admitting women; Thurmond is for it. On the Senate Floor, Senator Stennis said "I would like to see the matter tried out." Javits and Mansfield joined in supporting the Hathaway Amendment.

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Of course we could file briefs in opposition, and let the Courts make the decision for us, but this would put you in a last ditch opposition posture--and we are sure that the plaintiffs will take the case all the way to the Supreme Court. It is possible also that the Courts would issue injunctions and inflexible requirements in a way which would make implementation of a new policy here much more difficult than if we acceded ourselves and in so doing preserved some degree of administrative flexibility.

#### RECOMMENDATION